

Application No.: 09/838,240
Response filed on August 25, 2003
Responsive to Office Action of July 24, 2003

REMARKS

Applicants thank the Examiner for the thorough consideration given the present application. Claims 1-20 are currently being prosecuted. The Examiner is respectfully requested to reconsider the restriction requirement in view of the remarks as set forth hereinbelow.

The Examiner has set forth a restriction requirement with regard to claims 1-20. The grouping of the claims is set forth as follows:

GROUP	CLAIMS	CLASSIFICATION
I	1-16	Class 425, Subclass 89
II	17-20	Class 414

Applicants have elected claims 1-16 for initial examination. However, it is respectfully submitted that the restriction requirement is improper in view of the fact that no serious burden is presented to the Examiner to consider all of the claims in a single application.

As set forth in Section 803 of the MPEP, the Examiner must examine an application on the merits if the examination of the entire application can be made without serious burden.

Two criteria are identified for a proper requirement for restriction:

1. The inventions must be independent or distinct as claimed; and
2. There must be a serious burden on the Examiner if the restriction is not required.

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Applicants respectfully submit that a serious burden has not been placed on the Examiner to consider all of the claims in a single application. A review of the subject matter set forth in claims 1-16 would include a review of class 425 subclass 89 and class 414. Thus, a different field of search really does not exist with regard to the claims of the present application.

In order to be responsive to the Examiner's restriction requirement, claims 1-16 have been initially elected. The Examiner is respectfully requested to reconsider the restriction requirement and act on all of the claims in the present application.

ELECTION OF SPECIES REQUIREMENT

The Examiner has further set forth an election of species requirement with regard to the present application. The grouping of the claims is set forth as follows:

A. directed to a resin molding machine having common rail sections and additional rail sections; and

Claims readable on this Species: 1-5 and 7-10

B. directed to a resin molding machine having a film feeding section for feeding release film

Claims readable on this Species: 6 and 11-16

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In order to be responsive to the Examiner's election of species requirement, Applicants have further elected the species of Group B for initial examination. It is respectfully submitted that claims 6 and 11-16 are readable on the elected species. However, if the Examiner does not consider claim 6 as being directed to the elected species, he is respectfully requested to act on claims 11-16. The Examiner has stated that the present application does not include a generic claim.

The provisions of 37 CFR 1.146 state that a reasonable number of species are permitted in a single application. The present application contains two species. It is respectfully submitted that the Examiner's election of species requirement is improper in view of the fact that generic claim 1 is believed to be generic and is in condition for allowance. Thus, a reasonable number of species are set forth in the present application.

In order to be responsive to the Examiner's election of species requirement, claims 6 and 11-16 have been initially elected. The Examiner is respectfully requested to reconsider his election of species requirement and act on all of the claims in the present application. If the Examiner does persist in his election of species requirement, Applicants reserve the right to file a divisional application directed to claims 1-5, 7-10 and 17-20 at a later date if they so desire.

CLAIM FOR PRIORITY

The Examiner has acknowledged Applicants' claim for foreign priority. In view of the

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fact that the Applicants' claim for foreign priority has been perfected, no additional action is required from the Applicants at this time.

DRAWINGS

The Official Draftsperson has not approved the Formal Drawings submitted by the Applicants. It is respectfully submitted that the drawings comply with the requirements of the USPTO. If the Official Draftsperson has any objections to the Formal Drawings he is respectfully requested to contact the undersigned as soon as possible so that appropriate action may be taken. No further action is believed to be necessary at this time unless the undersigned receives a notice from the Official Draftsperson.

ACKNOWLEDGEMENT OF INFORMATION DISCLOSURE STATEMENT

The Examiner is respectfully requested to acknowledge the Information Disclosure Statement filed on April 20, 2001. An initialed copy of the PTO-1449 should be sent to the undersigned at the earliest convenience of the Examiner.

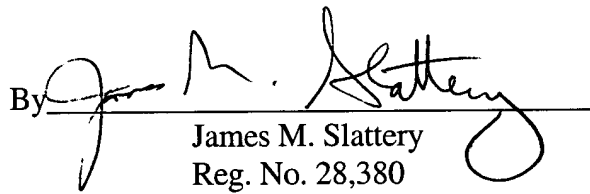
Favorable action on the present application is earnestly solicited.

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Please charge any fees or credit any overpayment pursuant to 37 CFR 1.16 or 1.17 to
Deposit Account No. 02-2448.

Respectfully submitted,

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